# Remarks

*The Abstract*

The Abstract has been objected to. Although the objection devoted nearly two pages to listing the requirements of an Abstract, it failed to state which of these requirements were not met by Applicants' Abstract. However, Applicants have made a good faith effort to determine the intent of the objection and to address that intent. The amendment now restricts the Abstract to a network communications device, a limitation supported in paragraph 0015. A previous objection to the length of the Abstract was addressed in the previous amendment, filed January 8, 2007. Since this objection was not specifically repeated in the most recent Office action, Applicants assume this objection was previously overcome. Reconsideration and withdrawal of the objection to the Abstract is respectfully requested.

*The Claims*

Claims 1-27 have been rejected under 35 USC 103(a) as being anticipated by U.S. patent no. 6,498,785 ("Derryberry") in view of U.S. patent no. 6,496,531 ("Kamel"). Applicants respectfully traverse this rejection because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1, 16, and 22 each recite that the claimed network traffic parameter is based on an observed volume of communications. Independent claims 8 and 12 more narrowly limit this parameter to data throughput and network loading,

respectively. The Office action admits that Derryberry does not disclose or suggest these limitations. The Office action then states that Kamel teaches observing the volume of communications in four places: in the Abstract, in col. 4 lines 1-19, in col. 11 lines 29-65, and in col. 15 lines 6-24. However, repeated reading of these passages does not uncover any reference to a volume of communications in a network, much less to data throughput or network loading. In fact, there is no indication anywhere in the Kamel reference that Kamel considers, observes, or cares about, the volume of communications in any form. Kamel only considers parameters that deal with the quality of individual received signals, such as error rate, signal-to-noise ratio, energy per bit per noise density, or energy per chip per interference density (col. 3 lines 21-27). There is no indication that Kamel considers any parameter that deals with the volume of data that is communicated.

The remaining pending claims each depends directly or indirectly from one of claims 1, 8, 12, 16, or 22, and therefore contains the same limitations not disclosed or suggested by Derryberry and Kamel.

## Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible.

Respectfully submitted,

Intel Corporation

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/John F. Travis/
John F. Travis
Reg. No. 43,203

Attorney Telephone:          (512) 732-3918